

Message

From: Ellen H. Grover [ehg@karnopp.com]
Sent: 6/3/2019 6:00:48 PM
To: Thurmon, Clarke [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4ee51ecf20b146d18fb2874c6b0d1b31-Thurmon, Clark]
Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Will do!

Ellen Grover | Karnopp Petersen LLP
Partner

v: 541.382.3011 | e: ehg@karnopp.com

From: Thurmon, Clarke [mailto:Thurmon.Clarke@epa.gov]
Sent: Monday, June 3, 2019 10:59 AM
To: Ellen H. Grover <ehg@karnopp.com>
Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Ellen,

Sounds great.
Please let me know how it goes.

If you do receive the Tribal Council's approval and the Chairman's signature today, can I ask you to scan and email me a copy of the SIGNED signature page as soon as possible? I need this signed page before I can start the AOC into routing internally for the Director's signature.

Thanks!
Clarke

Clarke Thurmon
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10, Office of Regional Counsel
1200 Sixth Avenue, Suite 155
M/S ORC-113
Seattle, WA 98101
Desk (206) 553-2585
Fax (206) 553-1762
Thurmon.Clarke@EPA.gov

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From: Ellen H. Grover <ehg@karnopp.com>
Sent: Monday, June 03, 2019 10:56 AM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>
Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Hi Clarke. Yes. Thank you. We are preparing it for Council consideration this afternoon. Thanks!

Ellen Grover | Karnopp Petersen LLP
Partner

v: 541.382.3011 | e: ehg@karnopp.com

From: Thurmon, Clarke [<mailto:Thurmon.Clarke@epa.gov>]
Sent: Monday, June 3, 2019 10:53 AM
To: Ellen H. Grover <ehg@karnopp.com>
Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction
Importance: High

Ellen,

Hi.
Does the SDWA 1414 AOC, including the updated language we discussed, look okay to you?

Also, do you plan on presenting this AOC to the Tribal Council for approval and to the Chairman for signature today?

Thanks,
Clarke

Clarke Thurmon
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From: Thurmon, Clarke
Sent: Monday, June 03, 2019 10:19 AM
To: Ellen H. Grover <ehg@karnopp.com>

Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Importance: High

Ellen,

Hi.
Please see the attached Proposed SDWA 1414 Administrative Order on Consent for your review and agreement. The language we worked on regarding sovereign immunity is located in Paragraph 5.7.

Please let me know if you have any questions, concerns, or see any typos, etc.

Thanks,
Clarke

Clarke Thurmon

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From: Ellen H. Grover <ehg@karnopp.com>

Sent: Monday, June 03, 2019 10:12 AM

To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Wonderful. Thank you!

Ellen Grover | Karnopp Petersen LLP
Partner

v: 541.382.3011 | e: ehg@karnopp.com

From: Thurmon, Clarke [<mailto:Thurmon.Clarke@epa.gov>]

Sent: Monday, June 3, 2019 10:12 AM

To: Ellen H. Grover <ehg@karnopp.com>

Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Ellen,

Hi.

I just received word that the addition you proposed is accepted and approved. I am currently adding this language as a paragraph to the Order. I will send it to you in the next 5 minutes or so for your review and agreement.

Thanks,
Clarke

Clarke Thurmon

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From: Ellen H. Grover <ehg@karnopp.com>
Sent: Monday, June 03, 2019 10:09 AM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>
Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Hi Clarke: How are we doing on a draft order that we can present to Tribal Council? Thanks!

Ellen Grover | Karnopp Petersen LLP
Partner

v: 541.382.3011 | e: ehg@karnopp.com

From: Thurmon, Clarke [<mailto:Thurmon.Clarke@epa.gov>]
Sent: Thursday, May 30, 2019 3:16 PM
To: Ellen H. Grover <ehg@karnopp.com>
Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Ellen,

Hi.
Are you able to talk about this concern?

Thanks,
Clarke

Clarke Thurmon

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From: Ellen H. Grover <ehg@karnopp.com>

Sent: Thursday, May 30, 2019 3:15 PM

To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>

Subject: RE: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Hi Clarke: That looks fine except for the "if any" I think I understand why EPA is including that, but there will be no way I could get that through Council.

Ellen Grover | Karnopp Petersen LLP

Partner

v: 541.382.3011 | e: ehg@karnopp.com

From: Thurmon, Clarke [<mailto:Thurmon.Clarke@epa.gov>]

Sent: Thursday, May 30, 2019 2:44 PM

To: Ellen H. Grover <ehg@karnopp.com>

Subject: Warm Springs SDWA Section 1414 - Proposed language regarding jurisdiction

Ellen,

Hello.

I have received approval to include the following language in the SDWA Section 1414 Administrative Order on Consent with the Confederated Tribes of Warm Springs:

"The Confederated Tribes of Warm Springs (CTWS) takes no position on the EPA findings of fact, jurisdiction, and violations above, but CTWS agrees to, and hereby, waives its sovereign immunity, if any; and, CTWS agrees not to challenge jurisdiction in any proceeding as it relates to this Order. CTWS agrees to comply with and be bound by the Order in Section IV and General Provisions in Section V above."

I will call you to discuss this language.

Thanks,
Clarke

Clarke Thurmon

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